

**Bold and single underline** = new language since preliminary adoption

**~~Bold, strikeout and single underline~~** = new language being stricken since preliminary adoption

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## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **PROPOSED RULE AS PRELIMINARILY ADOPTED WITH IDEM'S SUGGESTED CHANGES INCORPORATED**

LSA Document #00-44

### **DIGEST**

Amends 326 IAC 4-2-1, and 326 IAC 4-2-2, concerning particulate matter emissions for incinerators, 326 IAC 9-1-1, and 326 IAC 9-1-2, concerning carbon monoxide emissions for incinerators. Repeals 326 IAC 19-1, concerning employee commute options. Effective 30 days after filing with the secretary of state.

### **HISTORY**

First Notice of Comment Period: March 1, 2000, Indiana Register (23 IR 1488).

Continuation of First Notice of Comment Period: May 1, 2000, Indiana Register (23 IR 2109).

Second Notice of Comment Period: October 1, 2000, Indiana Register (24 IR 132).

Republication of Second Notice of Comment Period: January 1, 2001, Indiana Register (24 IR 1139).

Notice of First Hearing: January 1, 2001, Indiana Register (24 IR 1179).

First Public Hearing: March 7, 2001.

Proposed Rule and Notice of Public Hearing: June 1, 2001, Indiana Register (24 IR 2750).

Change in Notice of Second Hearing: May 1, 2002, Indiana Register (25 IR 2542).

Change in Notice of Second Hearing: July 1, 2002, Indiana Register (25 IR 3208).

Date of Second Hearing: August 7, 2002.

**326 IAC 4-2-1**

**326 IAC 4-2-2**

**326 IAC 9-1-1**

**326 IAC 9-1-2**

**326 IAC 19-1**

SECTION 1. 326 IAC 4-2-1 IS AMENDED TO READ AS FOLLOWS:

#### **326 IAC 4-2-1 Applicability**

**Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11**  
**Affected: IC 13-15; IC 13-17**

Sec. 1(a) This rule establishes standards for the use of incinerators which emit regulated pollutants.

(b) This rule does not apply to **the following**:

(1) Incinerators in residential units consisting of four (4) or fewer families.

(2) **Sources subject to the following:**

**(A) 40 CFR 60 Subpart Eb,\* Large Municipal Waste Combustors For Which Construction Commenced After September 20, 1994.**

**(B) 40 CFR 60 Subpart Ec,\* Hospital/Medical/Infectious Waste Incinerators For Which Construction Commenced After June 20, 1996.**

**(C) 40 CFR 60 Subpart CCCC,\* Commercial and Industrial Solid Waste Incineration Units for which construction commenced after November 30, 1999.**

**(D) The state plan approved under 40 CFR 62.3640\* through 40 CFR 62.3642,\* Hospital/Medical/Infectious Waste Incinerators.**

**(E) The state plan approved under 40 CFR 62.3650\* through 40 CFR 62.3652,\*Large Municipal Waste Combustors.**

**(F) 40 CFR 63 Subpart EEE,\* Hazardous Waste Combustors.**

**All other incinerators are subject to this rule.**

**\*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

*(Air Pollution Control Board; 326 IAC 4-2-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2420; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2366; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1597)*

SECTION 2. 326 IAC 4-2-2 IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 4-2-2 Incinerators**

**Authority: IC 13-14-8; IC 13-17-3-4**  
**Affected: IC 13-17-3**

Sec. 2. (a) All incinerators shall **comply with the following requirements**:

- (1) Consist of primary and secondary chambers or the equivalent.
- (2) Be equipped with a primary burner unless burning **only** wood products.
- (3) Comply with 326 IAC 5-1 and 326 IAC 2.

(4) Be maintained, ~~properly as specified by the manufacturer and approved by the commissioner;~~ **operated and burn waste, in accordance with the manufacturer's specifications or an operation and maintenance plan as specified in subsection (c).**

(5) be operated according to the manufacturer's recommendations and only burn waste ~~approved by the commissioner;~~

~~(5)(6) comply with other state and/or~~ **and local rules or ordinances regarding installation and operation of incinerators;** **Not emit particulate matter in excess of one (1) of the following:**

**(A) Three-tenths (0.3) pound of particulate matter per one thousand (1,000) pounds of dry exhaust gas under standard conditions corrected to fifty percent (50%) excess air for incinerators with a maximum solid waste capacity of greater than or equal to two hundred (200) pounds per hour.**

**(B) Five-tenths (0.5) pound of particulate matter per one thousand (1,000) pounds of dry exhaust gas under standard conditions corrected to fifty percent (50%) excess air for incinerators with solid waste capacity less than two hundred (200) pounds per hour.**

~~(7) be operated so that emissions of hazardous material including, but not limited to, viable pathogenic bacteria, dangerous chemicals or gases, or noxious odors are prevented;~~

~~(8) (7) not emit particulate matter in excess of:~~

~~(A) incinerators with a maximum refuse-burning capacity of two hundred (200) or more pounds per hour: three-tenths (0.3) pounds **pound** of particulate matter per one thousand (1,000) pounds of dry exhaust gas at standard conditions corrected to fifty percent (50%) excess air; or~~

~~(B) all other incinerators: five-tenths (0.5) pounds **pound** of particulate matter per one thousand (1,000) pounds of dry exhaust gas at standard conditions corrected to fifty percent (50%) excess air; and~~

~~(9) (8) not create a nuisance or a fire hazard.~~

~~If any of the above result, the burning shall be terminated immediately.~~

**(6) If any of the requirements of subdivisions (1) through (5) are not met, then the owner or operator shall stop charging the incinerator until adjustments are made that address the underlying cause of the deviation.**

**(b) ~~A source subject to subsection (a)(7) and the~~ An incinerator is exempt from subsection (a)(5) if subject to a more stringent particulate matter emission ~~limitation~~ limit in 40 CFR 52 Subpart P\*, State Implementation Plan for Indiana.**

~~(1) 326 IAC 11-7;~~

~~(2) 326 IAC 20;~~

~~(3) 40 CFR 60;~~

~~(4) 40 CFR 62; or~~

~~(5) 40 CFR 63\*;~~

shall comply with the more stringent particulate matter emission limitation.

(c) An owner or operator developing an operation and maintenance plan pursuant to subsection (a)(4) must comply with the following:

(1) The operation and maintenance plan must be designed to meet the particulate matter emission limitation specified in subsection (a)(5) and include the following:

(A) Procedures for receiving, handling, and charging waste.

(B) Procedures for incinerator startup and shutdown.

(C) Procedures for responding to a malfunction.

(D) Procedures for maintaining proper combustion air supply levels.

(E) Procedures for operating the incinerator and associated air pollution control systems.

(F) Procedures for handling ash.

(G) A list of wastes that can be burned in the incinerator.

(2) Each incinerator operator shall review the plan before initial implementation of the operation and maintenance plan and annually thereafter.

(3) The operation and maintenance plan must be readily accessible to incinerator operators.

(4) The owner or operator of the incinerator shall notify the department, in writing, thirty (30) days after the operation and maintenance plan is initially developed pursuant to this section.

(d) The owner or operator of the incinerator must make the manufacturer's specifications or the operation and maintenance plan available to the department upon request.

\*Citations to the Code of Federal Regulations (CFR) in this section This document is incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20402 20401 or is available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 4-2-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2421; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1127*)

SECTION 3. 326 IAC 9-1-1 IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 9-1-1 Applicability of rule**

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12-3-1; IC 13-14-8-3; IC 13-14-8-4; IC 13-17-1

Sec. 1. **(a)** This rule (~~326 IAC 9-1~~) is applicable to all stationary sources of carbon monoxide (CO) emissions commencing operation after March 21, 1972, **and for which an emission ~~limits have~~ limit has been established in section 2 of this rule.**

**(b) Sources are exempt from this rule if subject to a carbon monoxide emission limit in any of the following:**

**(1) 40 CFR 60\*, Standards of Performance for New Stationary Sources.**

**(2) A state plan approved under 40 CFR 62 Subpart P\*, Approval and Promulgation of State Plans for Specific Sources and Facilities in Indiana.**

**(3) 40 CFR 62 Subpart FFF\*, Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994.**

**(4) 40 CFR 62 Subpart HHH\*, Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996.**

**(5) 40 CFR 63\*, National Emission Standards for Hazardous Air Pollutants for Source Categories.**

**\*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 9-1-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2547)**

SECTION 4. 326 IAC 9-1-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 9-1-2 Carbon monoxide emission limits

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12

Affected: IC 13-15; IC 13-17

Sec. 2. **(a)** Emissions of carbon monoxide shall be limited ~~to the following: unless specific carbon monoxide emission limits have been established in 326 IAC 11, 326 IAC 20, 326 IAC 60\*, 40 CFR 62\*, or 40 CFR 63\*:~~ **as follows:**

**(1) Petroleum refining emissions. ~~No person~~ The source shall not operate a cause or allow the discharge of carbon monoxide from any catalyst regeneration of a petroleum cracking system or from any a petroleum fluid coker into the atmosphere unless the waste gas stream is burned in a direct-flame afterburner or boiler that maintains a minimum temperature of one thousand three hundred (1,300) degrees Fahrenheit for a minimum retention time of three-tenths (0.3) second or is controlled by other means approved by the commissioner. one (1) of the following:**

**(A) Boiler.**

**(B) Direct-flame afterburner.**

(2) Ferrous metal smelters. ~~No person~~ **The source shall not operate a cause or allow the discharge of carbon monoxide from any** grey iron cupola, blast furnace, basic oxygen steel furnace, or other ferrous metal smelting equipment, having a capacity of ten (10) tons per hour or more process weight, unless the waste gas stream is burned in ~~a direct-flame afterburner or boiler that maintains a minimum temperature of one thousand three hundred (1,300) degrees Fahrenheit for a minimum retention time of three-tenths (0.3) second or is controlled by other means approved by the commissioner.~~ **one (1) of the following:**

**(A) Boiler.**

**(B) Direct-flame afterburner.**

**(C) Recuperative incinerator.**

in instances where carbon monoxide destruction is not required, carbon monoxide emissions shall be released at such elevation that the maximum ground level concentration from a single source shall not exceed twenty percent (20%) of the maximum one (1) hour Indiana ambient air quality value for carbon monoxide.

(3) ~~Solid waste~~ **Refuse** incineration and **refuse** burning equipment. ~~No person~~ **The source shall not operate an a refuse** incinerator or **refuse** burning equipment ~~that burns solid waste, as defined in 329 IAC 11-2-39,~~ unless the waste gas stream is burned in ~~a direct-flame afterburner that maintains a minimum temperature of one thousand three hundred (1,300) degrees Fahrenheit for a minimum retention time of three-tenths (0.3) seconds or carbon monoxide emissions are controlled by other means approved by the commissioner.~~ **one (1) of the following:**

**(A) Direct-flame afterburner.**

**(B) Secondary chamber.**

**(b) Alternatives to the carbon monoxide control methods specified in subsection (a) may only be used if submitted as an amendment to the state implementation plan (SIP) and approved by U.S. EPA.**

~~\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 9-1-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2547; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2370; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1601; errata filed Jan 7, 2002, 2:20 p.m.: 25 IR 1644)~~

SECTION 5. 326 IAC 19-1 IS REPEALED.